

AMENDED

**APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA**

Date of filing in State Engineer's Office..... OCT 15 1991
 Returned to applicant for correction..... NOV 06 1991
 Corrected application filed..... NOV 27 1991
 Map filed..... NOV 27 1991 under 56831

The applicant..... Newmont Gold Company by its agent, Charles Zimmerman
P.O. Box 669....., of Carlin
Street and No. or P.O. Box No. City or Town
Nevada 89822....., hereby makeS application for permission to appropriate the public
State and Zip Code No.
 waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a
 copartnership or association, give names of members.)..... Incorporated May, 1986.
Incorporated in Delaware, USA.

1. The source of the proposed appropriation is underground, within Gold Quarry pit dewatering
Name of stream, lake, spring, underground or other source
operations, as specified under
the proposed point of diversion (5.), from one or more production wells
2. The amount of water applied for is..... 5.00 (2244.15 gpm; 3622.32 Acre Ft/Yr; 1180.3 Mgd)
One second-foot equals 448.83 gals. per min. second-foot
(a) If stored in reservoir give number of acre-feet 6000 Acre Ft (1,955,100,000 gallons)
Mining, milling, irrigation, infiltration, surface discharge,
domestic; and/or dewatering
3. The water to be used for..... domestic; and/or dewatering
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated.....
 - (b) Stockwater, state number and kinds of animals to be watered.....
 - (c) Other use (describe fully under "No. 12. Remarks")..... See 3. above
 - (d) Power:
 - (1) Horsepower developed.....
 - (2) Point of return of water to stream.....
5. The water is to be diverted from its source at the following point within the NE quarter of section
Describe as being within a 40-acre subdivision of public
03, T33N, R51E, M.D.B.&M., at a point from which the NE corner of section 36, T34N,
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
R51E, M.D.B.&M., an extant brass cap, bears N60° 53'E, a distance of 13,592 feet.
6. Place of use sections 21,22,23,24,25,26,27,28,33,34,35, and 36 of T34N, R51E, M.D.B.&M.;
Describe by legal subdivision. If on unsurveyed land, it should be so stated.
sections 19,20,28,29,30,31,32,33, and 34 of T34N, R52E, M.D.B.&M.; sections 1,2,3,4,
10,11,12,13,14,23, and 24 of T33N, R51E, M.D.B.&M.; sections 3,4,5,6,7,8,9,10,15,16,
17,18,19,20,21,22,27,28,29,30,31,32, that portion of sections 2,11,14,23,26,34,
and 35 lying within the natural drainage basin of Maggie Creek, and that portion
of sections 33 and 34 lying within the natural drainage basin of Mary's Creek of
T33N, R52E, M.D.B.&M.
7. Use will begin about January 1 and end about December 31 of each year.
Month and Day Month and Day
8. Description of proposed works: (Under the provisions of NRS 535.010 you may be required to submit plans and
 specifications of your diversion or storage works.) Multiple dewatering wells equipped with pumps,
State manner in which water is to be diverted, i.e. diversion structure, ditches and
motors, totalizing flowmeters, and pipelines to the place of use.
flumes, drilled well with pump and motor, etc.
9. Estimated cost of works thirty-two million dollars (\$32,000,000.00)

10. Estimated time required to construct works twelve years
if well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use twelve years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This application is hereby submitted for a permit for water rights to dewater Newmont Gold Company's Gold Quarry minesite. It is understood that approving an application of this kind may require an order from the State Engineer similar to Order 1038, which allows for the appropriation of water from unspecified, multiple points of diversion within a specified quarter section for mine dewatering purposes. The amount of water applied for is derived from preliminary studies of future mine dewatering requirements.

By s/Charles Zimmerman
P.O. Box 669
Carlin, Nevada 89822

Compared bc/bc ab/se

Protested 01/9/92 by: Pershing County Water Conservation District. 2/4/92 by Lander County:
2/7/92 by Ronald E. Schrempp; 2/10/92 by Boyd Ranch: (Continued on Page 2)
Pro. wdr. 12/7/93

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance for the life of the mining operation associated with applications subject hereof. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from state, federal, and local agencies and is specifically issued contingent upon approval by the Nevada Division of Environmental Protection of the dewatering project.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 5.0 cubic feet per second, but not to exceed 3619.85 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before December 14, 1994

Proof of completion of work shall be filed on or before January 14, 1995

Application of water to beneficial use shall be made on or before December 14, 1996

Proof of the application of water to beneficial use shall be filed on or before January 14, 1997

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, P.E.

Proof of beneficial use filed State Engineer of Nevada, have hereunto set my hand and the seal of my
office, this 14th day of December

Cultural map filed

A.D. 1993

Certificate No. Issued

[Signature]
 State Engineer

(U)-5314 (Rev.)

Abrogated By 60871-T 4.456 EXP. 4-18-96
port 62532 4.456
port 68272 11/14/95

Protest

2/12/92 by; City of Lovelock: 2/12/92 by; USDI Bureau of Land Management: 2/13/92 by;
Board of Commissioners of the County of Pershing, Nevada: 2/14/92 by; Sam Layton/
Adobe Hills Ranch: 2/14/92 by; Eureka County:

Pro. wdr. 12/7/93

(PERMIT TERMS CONTINUED)

This permit is issued subject to the provisions of the State Engineer Order No. 1055 dated April 1, 1992, concerning rules for well spacing and modification of well drilling regulations in Maggie Creek Groundwater Basin.

Any water obtained under Permits 53384, 53385, 54339, 54340, 54341, 55616, 55617, 55618, 55619, and 56831 through 56839, inclusive, as a result of the dewatering program by the permittee shall be used first for the beneficial uses of mining, milling, heap leaching, drilling, construction, dust suppression and other related mining and milling uses within the place of use as described, hereinafter referred to as mining and milling purposes.

Water not used for the aforementioned purposes must be used for mitigating any impacts to existing groundwater or surface water right holders. Before any water can be utilized for mitigation purposes, the permittee must apply for and receive from the State Engineer any approval necessary.

The State Engineer may require injection of excess water, or substitution for other permitted groundwater uses as other possible mitigation measures.

Water may be placed in the Maggie Creek Reservoir (approved on July 21, 1992 under Dam Safety Permit J-387) and upon receipt of the necessary permits from the Nevada Division of Environmental Protection, may discharge water to various Humboldt River drainage systems. The use of this water shall be subject to the Humboldt River Decree.

Any approval granted by the State Engineer for irrigation purposes using water under these permits shall be within the irrigation season as specified in the Humboldt River Decree. Any water used on lands not previously under irrigation or having irrigation water rights must be substituted by foregoing irrigation on an equal number of acres and acre-feet under Proof No. 00171 of the Edwards' Decree of the Humboldt River Adjudication. The substitution shall be based on actual water used for the additional acreage and offset by actual allocations from the Humboldt River. Any schedule of irrigation shall be submitted to the Division of Water Resources' Supervising Water Commissioner prior to the actual irrigation of that land. The Supervising Water Commissioner will then set what lands and priorities will not be served under Claim No. 00171 of the Edwards' Decree.

Any other impacts caused on the Humboldt River system by this dewatering must be mitigated in a manner approved by the State Engineer.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from each well; the amount used for mining and milling purposes; the amount diverted to the reservoir; the amount discharged to any surface drainage and which drainages; the amount injected back to the groundwater with the location of the well and the depth to where water is injected; and the amount of water used for any other purpose allowed under these permits. All groundwater and surface water monitoring data shall be submitted to the State Engineer on the same basis as specified in Appendix "A" - Mitigation Plan of the Final Environmental Impact Statement, Newmont Gold Company's South Operations Area Project (November 1993).

The total combined duty of water under Permits 40900, Certificate 13392, 47962, 48328, 48330, 48910, 48911, 48912, 49550, 49916, 49962, 51962, 52330, 52331, 52332, 52883, Certificate 13398, 52884, 53384, 53385, 54339, 54340, 54341, 54510, 55616, 55617, and 56831 through 56839, inclusive, shall not exceed 10,660.42 acre-feet annually for mining and milling purposes.

The total diversion rate allowed under all permits associated with the dewatering program and all related mining and milling purposes shall not exceed 110 cfs.

A year-end report shall be submitted to the State Engineer no later than 45 days after the end of the calendar year as to how many wells have been drilled under this permit as well as how many wells have been abandoned. The exact location of each well drilled or abandoned shall also be supplied in this report, and illustrated on a supporting map.

Upon permanent cessation of all mining and milling purposes, and dewatering, all water granted under these permits shall revert back to the source from which it was appropriated except for any water requirements needed for any mine closure plan and/or to mitigate any adverse effects caused by dewatering.

The State Engineer retains the right to require at anytime the permittee to cooperate in funding of additional monitoring and modeling by an independent third party.

The State Engineer retains the right to impose future conditions as necessary upon review and evaluation of all data submitted reporting on the dewatering program, water use and the monitoring plan.

The permittee, on a quarterly basis, shall prepare and present an update on the activities of the mine and dewatering projects, and the Maggie Creek Basin Monitoring Plan, submitted September 10, 1992.

To protect existing rights and public interest, the State Engineer retains the right to regulate any or all pumping under the dewatering project and/or any other groundwater withdrawals herein authorized.

